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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,260	02/09/2004	Jacob Lamm	655/73507	1243
7590 Richard F. Jaworski Cooper and Dunham LLP 1185 Avenue of the Americas New York, NY 10036				
			EXAMINER ZENATI, AMAL S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 06/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/775,260

## Applicant(s)

LAMM ET AL.

## Examiner

AMAL ZENATI

## Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02/27/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) 2-4-8, 10-14, and 16-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 03/05/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Newly submitted claims 2, 4 - 8, 10 - 14, and 16 - 27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the above claims recite a method of addressing fault information at a computer based support mechanism and determining a proper action by the computer at which is classify under 709/245, and 203; however the invention originally claimed a method of providing self-supporting service by consulting service policy rules, initiating actions associated with the requested service, and then invoking service provider tools. Therefore, the new claims are independent from the invention originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2, 4 - 8, 10 - 14, and 16 - 27 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The present Office Action is in response to Applicant's amendment filed on March 25, 2008. **Claim 3** is now pending in the present application and **claims 2, 4 - 8, 10 - 14, and 16 - 27** are withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The following is appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 3** is rejected under 35 U.S.C 102 (b) as being anticipated by **Gilles et al (US 6249578 B1; hereinafter Gilles)**.

Consider **claim 3**, **Gilles** clearly shows and discloses a method, a system, and a program storage device readable by machine tangibly embodying a program of instructions executable by the machine to perform method steps of providing self- supporting service consumers, comprising: allowing a service consumer to automatically consult one or more service policy rules associated with the service consumer to request (order) a service (col.3, lines 1-3; and claim 1, lines 22-33, (lines 40-50 for service policy)); automatically initiating one or more actions associated with the service policy and the requested service (claim 1, lines 29-36); automatically invoking one or more service provider tools based on the service policy and the requested service(col. 3, lines 46-56; and col. 4, lines 7-13); communicating (transmitting) one or more service events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools wherein the communicating includes logging (recording customer service or customer record) the one or more service events (claim1, lines 36-39; col. 3, lines 36-45; col. 3, lines 46-56 (service provider tools); col. 10, lines 34-37 (customer record)).

### ***Response to Arguments***

3. Applicant's arguments, with regards to claim 3, filed 25 March 2008 has been fully considered but they are not persuasive.
4. Regarding claim 3, the applicants argue on page 12 of the Applicant's Response that Gilles does not disclose a "service policy."
5. The Examiner respectfully disagrees with Applicant's arguments, regarding the "service policy," Gilles clearly discloses a service policy such as determining whether the

telecommunications customer is authorized for electronically exchanging information and determining whether the requested telecommunications service is available "service policy" see (Gilles: abstract, lines 6-14; and col. 14, lines 2-28, lines 34-35, and lines 40-50). The service policy of Gilles clearly provides authorizing service to any incoming requested service; therefore, the authorizing service of Gilles reads on the claimed "service policy."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is (571)270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571- 571-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/  
Supervisory Patent Examiner, Art Unit 2614

Examiner Amal Zenati  
AU 2609

June 5, 2008